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TASK FORCE ON THE DRINKING DRIVER

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On July 1, 1982 significant funding increases were made available to the Department of Health and Mental Hygiene and the Department of Transportation in order to enhance their ability to assess, monitor and treat the drinking driver on a Statewide basis. A recent report by the Department of Fiscal Services evaluated the implementation of these programs and concluded that the first year was not as productive as had been anticipated. The report indicated that delays in implementation and conflicts among participating agencies were the result of inadequate program leadership and coordination.

The Task Force has carefully reviewed this report and generally concurs with its criticisms. In retrospect, it is clear that the difficulties associated with coordinating the efforts of the large number of government involved agencies were underestimated. The following actions are recommended as corrective measures:

- 1) ~~Mr. Arnold J. Hopkins, Director of the Division of Parole and Probation,~~
An individual should be designated as the individual with overall responsibility for insuring that the drinking driver's dealings with government agencies are conducted in an effective, coordinated manner. If ~~Mr. Hopkins~~ the individual identifies problems in this regard that are beyond his capability to resolve, they should be brought to the attention of the Task Force and/or the Governor's Office.
- 2) Screening of the drinking driver should be available on site at the District Courts in order that this information be available to judges for their use in the disposition cases.
- 3) The Division of Parole and Probation, ~~together with~~ the Department of Health and Mental Hygiene, and affected local health departments, should confer with the judiciary in order to determine which operating agency should conduct the in-court screening function in each jurisdiction. The results of this review should be reported to the Task Force by July 1, 1984.

Individual
referenced
in #1 should
call meetings

Approved by Task Force 1/9/84



- 4) The monitoring program should be transferred from the Motor Vehicle Administration to the Division of Parole and Probation. Funding for this program should continue to be provided by the Department of Transportation to help assure that the program maintains a separate identity.
- 5) The driver improvement program and alcohol education program for social drinkers should continue to be operated by the Motor Vehicle Administration. However, a fee, approximately equal to MVA's operating expenses, should be collected from program participants.



GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of April 30, 1984 - 3:00 P.M., Calvert Room, State House,
Annapolis

Members Present: Lt. Governor J. Joseph Curran, Jr., Judge Robert S. Heise,
Senator Barbara A. Hoffman, Matthew Protos, Dr. Harvey E.
Clearwater, Carol England, Richard H. Lewis, James J. Lacy,
Thomas J. Sexton, Mose Ottenheimer, 2nd, Frances M. Nathanson

Also Present: Thomas E. Widerman, Arnold J. Hopkins, Carole Hinkel, John
Bland, Mati Koiva, Wayne McDaniel, Ron Lipps, M. Annette Ciesko,
Bruce Meade, M.C. Fuller, Roy W. Burchette, Calvin H. Offer,
John Tartaglino, Pearl Reische, Deborah Espie

Introduction of New Motor Vehicle Administrator

Chairman Curran introduced Mr. Mati Koiva, who is replacing William T.S. Bricker,
as Administrator of the Motor Vehicle Administration.

Approval of Minutes

The minutes for the March 8 meeting of the Task Force were approved as submitted.

MVA Guidelines Concerning the Issuance of Restricted Licenses - Thomas Widerman

Mr. Widerman reviewed with the Task Force MVA Guidelines Concerning the Issuance
of Restricted Licenses. (See Attached). Mr. Widerman stated that the hearing
officers are interpreting the law as it was written.

In response to Dr. Clearwater's question, Mr. Widerman stated that a hearing officer
can assign an individual to a rehabilitation program.

Dr. Clearwater asked if an individual violates probation, how would MVA find out?
Mr. Widerman noted as examples, if the individual is caught driving outside of
restrictions and/or commits another traffic violation. MVA would not know unless
there was another violation.

Senator Hoffman asked that after one restricted license episode, what is rate of
recidivism? Mr. Widerman did not know the rate, but agreed with Senator Hoffman
that a program to recover this information should be developed.

Mr. Ottenheimer asked Mr. Widerman that with the amount of cases, did he think the
guidelines are adequate? Mr. Widerman responded yes. In response to Chairman
Curran's query to the Task Force, there were no recommendations on tightening
the guidelines.

Chairman Curran asked Mr. Widerman to provide the Task Force with a report on the number of restricted licenses given from January through June and on six month intervals thereafter.

DWI-Related Actions by the 1984 General Assembly - Wayne A. McDaniel

Mr. McDaniel reviewed with the Task Force the status of drunk driving legislation after the 1984 legislative session.

HB 636 - Passed - This bill sponsored by Delegate Hagner et al. provides that a report of the results of a chemical test for alcohol be admissible without the presence or testimony of the person who performed the test if the report is signed by him.

HB 749 - Passed - This bill sponsored by Delegate Hagner et al. alters the time period from five days to ten days when the defendant in a criminal trial in which intoxication or impairment due to alcohol is an issue must request the appearance of the alcohol test technician.

HB 900 - Passed - This bill sponsored by Delegate Rymer et al. provides that a citation of a juvenile for violation of criminal provisions dealing with alcohol consumption by minors shall be forwarded to the State's Attorney if the child fails to follow the directions of the intake officer to attend an alcohol rehabilitation program or a supervised work program.

HB 1334 - Passed (with amendments) - This bill sponsored by Speaker Cardin et al. alters the period of time from six months to twelve months that an applicant under the age of 18 shall possess a provisional driver's license before applying for a driver's license; and altering the hours (6:00 A.M. to 12:00 Midnight) during which the holder of a provisional driver's license may drive without the supervision of a licensed driver who is at least 21 years old.



HB 1635 - Passed - This bill sponsored by Delegates Smith and Athey (effective 7/01/85) requires the photograph on a driver's license to be a profile if the licensee is under 21 years old; and requiring a frontal photograph on drivers' licenses of individuals at least 21 years old.

Senator Hoffman stated that the one problem with this bill will be that a group of individuals under 21 will have frontal licenses until the phase-in period is complete.

HB 1534 - Withdrawn - This bill sponsored by Delegate Rymer would have transferred incarcerable traffic offenses from Circuit Court to Juvenile Court. This bill will be studied in the interim. The Task Force will look at implications of this bill at next meeting.

Judge Heise stated that there is a terrible waste of paper work and other wasted time in personnel except in Montgomery County where juvenile judges are master judges. Masters should be qualified. Masters should be made full-time District Court judges and/or Circuit Court judges. Judge Karwacki stated that about "five seconds" per case is spent when papers are being signed.

SB 367 - Passed - This bill sponsored by Senator Miller clarifies that certain qualifications and equipment shall be met if a police officer directs that a person submit to a chemical test for alcohol.

SB 474 - Died 9-8 in Judiciary - This bill sponsored by Senators Riley and Kelly would have provided that the fact that a person refuses to submit to a chemical test for intoxication is admissible in evidence at a trial for violation of certain provisions of the Maryland Vehicle Law.

SB 910 - Referred by CPL to Task Force (Interim) - sponsored by Senator Shore would alter the law to provide that the MVA may revoke the license of a person convicted of driving or attempting to drive a motor vehicle while under the influence of a controlled dangerous substance; requiring the Administration to revoke the license, for a certain period, of anyone convicted a certain number of times of attempting to drive a motor vehicle while intoxicated;



and altering the periods of driver's license suspension required to be imposed by the Administration against someone charged with alcohol-related offenses when he refuses to take a chemical test for alcohol.

SB 933 - Referred by CPL to Task Force (Interim) - sponsored by Senators Shore and Denis - would increase to 90 days the maximum period of time that a driver's license may be suspended if an individual is convicted of driving or attempting to drive while under the influence of alcohol or while under the influence of drugs or drugs and alcohol; providing for a mandatory 30-day suspension if an individual is convicted of an above offense; and requiring a license be suspended for a mandatory 1-year period if an individual is convicted of two violations of the above offenses.

SB 1012 - Passed - This bill sponsored by Senator Kelly is a companion bill to HB 1635.

Senator Hoffman asked what the Judiciary Committee's concern was with HB 769. Mr. McDaniel responded that he had heard three main concerns. 1) How do you define bodily injury? 2) Conviction of DWI has a one year maximum jail sentence, while conviction of homicide has a maximum of three years, which is an adequate progression of penalties, and 3) In terms of intent by the defendant, there is little difference if the individual caused bodily injury or did not.

Status of Program Implementation - Arnold J. Hopkins

A report was distributed by Mr. Hopkins on the status of the Maryland Drinking Driver Monitor Program to the Task Force. (See Attached) The Contents were as follows: Chronology of Program Activities, March Through April 1984, Certification of Uniform Personal Services Agreement Forms, and Work Plan Priorities for May and June 1984.

Regarding the Chronology of Events, Mr. Hopkins noted three important activities. 1) There is concern that the Drinking Driver Monitoring Program will have to produce documentation, statistics, etc. to the General Assembly next session. On March 12, the first meeting was held on information needs and requirements for data processing system to facilitate tracking of drinking driver cases referred to the Monitor Program. Mr. Hopkins stated that he has received information from Carole Hinkel regarding forms to produce data for system. On April 6, there was a continuation of the discussion on data processing system alternatives for DDMP with Data Center technical experts.



2) On April 23, a letter of certification was received from the Department of Personnel on master contracts for Deputy Director, Chief Monitor and Monitor positions in the Monitor Program. (See attached letter from Donald Tynes, Deputy Secretary, DOP.) Special thanks was given to Wayne McDaniel for his assistance.

3) Met with Department of Transportation and Motor Vehicle Administration - Memo of Agreement. On March 28, the Memo of Agreement was signed. As of May 23, the Drinking Driver Monitor Program officially becomes a part of Parole and Probation. On May 4, a meeting is to be held to discuss transition procedures with Monitor Program staff and DOT to explain continuation of employment opportunities in the Division of Parole and Probation.

Mr. Hopkins also noted the Work Plan for May/June 1984. Four priorities were noted. (See Attached) 1) Policy Manual for Monitor Program - "This activity will seek to standardize monitoring policy and procedure based on operating experience and availability of resources." 2) Interagency Memorandum of Agreement - "There is a need to rewrite with clarity and precision the original agreement between the Department of Health and Mental Hygiene and the operating agency responsible for administration of the Monitor Program." 3) Administrative Projects - "Interviewing and selection of Monitor Program employees, establish job specifications, preparation of funding request, etc." 4) Special Projects - "Design of survey forms and visitation schedule for meetings with District Court administrative judges to elicit their views on the assessment function; accelerate movement in decision making on technical and budgetary support needed for implementation of a data processing component to the Monitor Program; activation of the DDMP in Frederick, Washington, and Prince George's Counties by June 1, 1984.

General Discussion

Carole Hinkel noted that in Baltimore City assessments are conducted pre-trial so that when judges try the case, the assessment is already on file. Chairman Curran expressed concern about the circumstances under which these assessments are performed. It was agreed that this would be reported on at the next meeting.

Senator Hoffman asked if the Health Department employees have pre-disposition to find alcoholism. Carole Hinkel stated that about 70% of the first offenders have alcohol problems and about 75% of the second time or more offenders have alcohol problems. This is consistent with national data.

Chairman Curran stated that he recently met with officers of the Alcohol and Drug Recovery group which conducts educational programs for persons involved in drug or alcohol abuse problems. They feel they are precluded because judges are referring individuals to MVA or the Health Department, and there is no room on the judges' form which provides for private programs.

Mr. Hopkins stated that he also met with this specific group. They told him also that the private sector is being "locked out." Mr. Hopkins agreed with Chairman Curran and feels that another line is needed reading "approved program," which would follow the lines, MVA and Health Department.

Judge Heise stated that a growing number of District Court judges are satisfied with the monitoring program.



Chairman Curran stated that he has discussed with Mr. Duckett the concern of the Ad Hoc Task Force of State's Attorneys regarding the strategies being used by defense lawyers involving the contesting of the blood alcohol content test. The State's Attorney Association will review this matter and report back to the Task Force with suggested remedies.

In response to Fran Nathanson's question on the status of sobriety checkpoints, Tom Sexton reported that a Court of Appeals decision was pending.

Mr. Sexton would like on the next agenda an update from the Maryland State Police regarding sobriety checkpoints and a report on what happened to the "pilot program" concerning favorite drinking spots for DWI suspects. Carol England stated that she understands that the number of arrests have decreased tremendously this year.

Dr. Clearwater asked if the Governor could write a letter to chief school officers regarding graduation and prom programs dealing with drinking and driving. Mr. Sexton stated that in Prince George's County "Project Graduation" is active in every high school.

Chairman Curran stated that the next meeting will be scheduled in June.

Meeting adjourned at 5:20 p.m.



GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of June 18, 1984 - 3:00 P.M., Calvert Room, State House,
Annapolis

Members Present: Lt. Governor J. Joseph Curran, Jr., Judge Robert S. Heise, Senator Barbara A. Hoffman, James J. Lacy, Dr. Harvey E. Clearwater, Richard H. Lewis, Joseph P. Daiger, State's Attorney Warren Duckett, Dr. Charles L. Whitfield, Sandra M. Clunies, Thomas J. Sexton, Mose Ottenheimer, 2nd, Carol England, Matthew Protos, Dennis Evans

Also Present: Col. W.T. Travers, Jr., Arnold J. Hopkins, Carole Hinkel, John Bland, Bruce Meade, Ned Kodeck, Victoria D. Whitlock, Alice Hegner, Ron Lipps, Bonnie Goldschmidt, Melissa Campasino, Kay Tanzola, W. Clisham, John Camou, Shirley Johnson, Jean Heald, Mark Miller, Lou Karko, Paul Gunning, Alice Murray, Gladys Augustus, Bob Roma, James F. Curran, P. Reischer, John Tartaglino, Wayne A. McDaniel, Stuart G. Buppert, II, Deborah Espie

Approval of Minutes

The minutes for the April 30 meeting of the Task Force were approved as submitted.

Pre-Trial Assessment in Baltimore City

Mr. John Bland stated that he had met with Ms. Bonnie Goldschmidt, Coordinator of the Baltimore City Alcohol Assessment Unit who relates that the assessment unit is currently averaging 200 DWI assessments per month with a staff complement of five full-time assessors, one full-time clerical and one full-time administrator.

Chairman Curran asked Ms. Goldschmidt what training in Baltimore City with reference to DWI do the assessors have? Ms. Goldschmidt stated that all have degrees in psychology.

Ms. Goldschmidt described the following procedure for her unit. The unit receives a referral after the commissioner sees a defendant. The defendant calls the next working day to schedule a one-hour assessment, which is usually within five days after arrest. A letter is forwarded for the day of trial. In the conditions of release, the defendant has to work with unit before trial.

A defendant can go through a private organization if they choose, but, generally, the lawyers are familiar with the unit in Baltimore. This pre-trial unit is funded by the Baltimore City Health Department.

Mr. Ottenheimer asked Ms. Goldschmidt how many DWI arrests per month were made in Baltimore City? Ms. Goldschmidt said she would obtain that information.



Sometimes the unit is asked to support an assessment at trial. The judge generally follows the unit recommendations.

Concerning AA, if treatment plan incorporates AA into rehabilitation plan, then AA is incorporated into unit's recommendations.

In May, 65-68% of those individuals assessed were classified as problem drinkers. There are three categories, social, problem, and alcoholic.

Maryland State Police Enforcement Activities

Col. Travers reviewed the attached memo from Major H.A. Cumberland that was distributed to the Task Force regarding the current status of the sobriety checkpoint program, the current status of the Determination of Source Program in Anne Arundel County and the 1984 DWI arrest data as compared with previous years.

Concerning sobriety checkpoints, Col. Travers noted that a total of 2,940 vehicles were checked at ten sites, resulting in twenty-six DWI arrests, five narcotic arrests, and three arrests for miscellaneous alcohol violations. Col. Travers stated that he is not sure when the decision will be made regarding the constitutionality of checkpoints from the Maryland Court of Appeals. Mr. Lacy asked Col. Travers how many man hours are involved? Col. Travers stated that he would find out, but that the deterrence factor is the key, not the number of arrests. 87-93% of those responding to the Maryland State Police after going through the checkpoints responded favorably.

Regarding the Determination of Source Program in Anne Arundel County, the noted statistics are taken from an evaluation report covering the first six months of the program in Anne Arundel County (August 1, 1983 - December 31, 1983, inclusive). A comprehensive report detailing results for the first year of operation will be available at the end of July. This evaluation will include data from twelve installations currently participating in the Determination of Source Program. The Task Force discussed the guidelines involved in this program. Col. Travers stated that he had met with the Licensed Beverage Dealers Association Board of Directors regarding the guidelines.

Chairman Curran asked if there was any merit to the establishment notification. Col. Travers stated yes. Mr. Protos stated that the licensees definitely wanted to know if their employees were serving in access to an individual. The licensee is not often on the premises and appreciates these letters from the State Police. Mr. Protos mentioned that perhaps the .20 level could be lowered to have more letters generated, perhaps to .13.

Col. Travers was asked by the Chairman to return and report on the program after July.

Regarding the 1984 DWI arrest data as compared with previous years, August, October and November are always months with high totals for DWI arrests. The statistics noted on page 3 of the memo are very close to 1983. Chairman Curran asked what is the average time between arrest and disposition. Mr. McDaniel stated that the District Court did a study on that subject. For traffic cases, it is usually 6-8 weeks before the first hearing is scheduled.



Mr. Sexton asked Col. Travers how many checkpoints are being set up until the court decision comes down. Col. Travers stated that there is one about every 4 or 4 1/2 weeks.

Status of the Maryland Drinking Driver Monitor Program - Arnold Hopkins

Mr. Hopkins distributed to the Task Force a report (attached) on the status of the Maryland Drinking Driver Monitor Program which contained the following contents: Chronology of Program Activities, May through June 15, 1984, Draft Memorandum of Understanding on Drinking Driver Program Administration, and a Special Report on Drinking Driver Assessment Site Visits.

In the chronology of events, Mr. Hopkins noted several important dates: on May 4, a meeting was held at the Department of Transportation to review uniform personal services agreement with contractual employees of the Monitor Program; on May 7, the tenth Monitor Program site became operational in Prince George's County; on May 24, the first of two meetings to draft revisions to the March 1983 interagency memorandum of agreement was held at DHMH; on June 1, the second meeting of drafting changes to interagency memorandum of agreement was held at DHMH; on June 7, the third meeting was held at DHMH; on June 11, the eleventh monitor program site became operational in Frederick County and the FY 1985 spending plan for Monitor Program was submitted to DOT; and, on June 14, a final draft was completed on interagency memorandum of agreement.

Mr. Hopkins pointed out the new item added on the DWI Special Conditions of Probation Form: AOC Approved Alcohol Program.

Regarding the Draft Memorandum of Understanding, Mr. Hopkins pointed out several important factors. In the "Rationale" section, Mr. Hopkins stressed the large amount of effort brought forth by all three branches of State government. In the section, "Agency Responsibilities" under "Alcoholism Control Administration," Mr. Hopkins noted a language change, under number 1, first paragraph. The phrase "will require uniformity" was stressed. Number 3 was also pointed out which reads, "The Alcoholism Control Administration will promulgate guidelines on fees for service using a standardized formula for charging of drinking driver assessment and treatment services." Under the section "Program Coordination" Mr. Hopkins noted that the three levels of accountability brings the key people together.

Regarding the special report on Drinking Driver Assessment Site Visits, Mr. Hopkins stated that eight items need attention (see attached): 1) Program Staffing Configurations, 2) Single versus Dual Function Assessors, 3) Primary and Alternative Alcohol Screening Instruments, 4) Range in Fees Charged for Education and Treatment Services, 5) Extent of Private Sector Resource Utilization, 6) Program Evaluation, 7) Use of Data Processing Systems, and, 8) Assessment Policy and Procedure. Five recommendations were described by Mr. Hopkins (see attached). The first recommendation states that there should be a validation study for MAST through a federal or State research grant program. Concerning this recommendation, Dr. Whitfield stated that



MAST has to be administered correctly and has to be accompanied by a good interview of about 45 minutes. Dr. Whitfield questioned whether validating MAST wouldn't be reinventing the wheel. Mr. Hopkins stated there could be value in determining its validity specifically for DWI defendants in Maryland. In recommendation number two, Mr. Hopkins stressed that "serious consideration should be given to developing a standardized data processing program compatible with micro-computer hardware for tracking DWI cases through the assessment, intake treatment, and after-care process." In recommendation number three, Mr. Hopkins stated that there is a need to standardize administrative procedures, fee systems, data collection requirements and general operations of the Comprehensive Drinking Driver Program. There is such a wide range of fees being charged, especially in the initial charge. The fourth recommendation states that guidance and direction in the design of a uniform evaluation plan integrating local components of the State's comprehensive drinking driver program should be provided the grantees through the Alcoholism Control Administration. Recommendation number five states that the policy and economic issues surrounding the efficacy of a dedicated assessment position should be tested through a pilot project in which the assessment responsibility is integrated in the monitor position. It was mentioned that this would cut down on lag time.

Chairman Curran stated that he is worried with time lag from arrest to disposition. The time lag appears after judge has looked at assessment, then appointment is made for intake and then person is assigned to group. The individual generally has to wait until group starts the next session. Sometimes, up to 90 days pass before another session starts. Dr. Clearwater asked if on-site assessments are being made. Mr. Hopkins stated yes, except in Baltimore City and Harford County.

Mr. Sexton stressed early intervention. Mr. Hopkins stated that his personal feeling is that treatment should not be given or assigned until after individual is found innocent or guilty. Mr. Duckett stated that there has to be early intervention for the good of everyone. Mr. Duckett also mentioned that the number of postponements create long delays. However, it must be understood that an individual's cooperation or lack of same with treatment personnel will not influence the final judgment.

Chairman Curran asked the Task Force to review the report distributed by Mr. Hopkins, acquire agency comments and have Mr. Hopkins return to the Task Force to discuss reaction to his recommendations.

Chairman Curran stressed several points, including the range of fees charged for services as mentioned in Mr. Hopkins' report and the delay problem for assignment to treatment programs.

Senator Hoffman asked about the recidivism data requested at the last meeting and was advised that we are still waiting for this information. Senator Hoffman also stressed that the Task Force should still have as its priority the Drinking Driver, not every individual in the State with a alcohol problem.

Special thanks was given by the Task Force to Mr. Hopkins for his work with the Monitoring Program.

Chairman Curran stated that the next meeting will be scheduled for the end of July.

The meeting adjourned at 5:30 p.m.



GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of July 23, 1984 - 3:00 P.M., Calvert Room,
State House, Annapolis

Members Present: Lt. Governor J. Joseph Curran, Jr., Senator Francis X. Kelly, Senator Barbara A. Hoffman, Delegate Thomas A. Rymer, State's Attorney Warren Duckett, Dr. Harvey E. Clearwater, Richard H. Lewis, Dennis Evans, Dr. Charles L. Whitfield, Carol England, Mose Ottenheimer, 2nd.

Also Present: Col. Wilbert T. Travers, Jr., Arnold J. Hopkins, Carole F. Hinkel, Victoria Whitlock, David H. Hugel, Roz Freeman, John Bland, Melissa Campasino, Kay Tanzola, John Camou, Ron Lipps, Lou Karko, Bonnie Goldschmidt, Paul Gunning, William J. DeVance, Trevor Hadley, Gladys L. Augustus, Stephen J. Holmes, Patricia M. Watson, Bob Hayman, Joe Bangert, Yvonne Gilchrist, Raymond Tomezak, James F. Curran, Sr., Wm. P. Woolston, Pearl Reischer, June Lynch, Edward Prince, Richard Kicy, Jean T. Heald, M. Annette Ciesko, Bruce Meade, Herbert Wimstead, Dan McCarthy.

Approval of Minutes

The minutes of the June 18 meeting of the Task Force were approved as submitted.

Court Jurisdiction for Incarcerable Traffic Offenses by Juveniles --
Mr. Warren Duckett, State Attorney's Association

Mr. Duckett reviewed with the Task Force the Maryland State's Attorney's Proposal for the removal of traffic jurisdiction from Juvenile Court. (Please see attached.) In response to Senator Hoffman's question, Mr. McDaniel stated that Statewide there were 500-600 alcohol-related arrests per year for 16-17 year olds, compared to 33,340 total arrests Statewide. Mr. Duckett stated that there is no reason why we can't handle the 16-17 year olds in our monitoring program. Senator Kelly mentioned that in Washington County, Judge Moylan believes that

70% of juveniles who come before the circuit court are alcoholics. Judge Moylan is referring juveniles to other states for alcohol programs because the State of Maryland has no programs for juveniles. Senator Kelly stressed two facts: the juvenile reports must get to MVA and juveniles must be able to take advantage of good programs.

Mr. Ottenheimer stated that in the last meeting, he asked Mr. Smith if records were getting to MVA and Mr. Smith said yes. Mr. Duckett stated that it was up to the juvenile court clerks.

Mr. Evans asked if monitoring program would effectively treat 16 or 17 year olds or are we talking about a spin-off program. Senator Kelly noted that there is no residential treatment center in Maryland for juveniles. Dr. Whitfield stated that adolescents are the most difficult to treat. Since four out of five juveniles have alcoholism in their family, the whole family must be involved. If the juvenile returns to family after being the only one to have treatment, it is no good. Senator Kelly moved the Task Force support the concept of insuring that alcohol-related traffic offenses by juveniles are recorded by MVA and, further, that treatment (rehabilitation) opportunities are available in Maryland to juveniles. The motion was approved by the Task Force.

Chairman Curran stated that the Task Force could have Mr. Rex Smith and perhaps Judge Moylan to a future meeting to discuss this. Dr. Clearwater asked how many 16 and 17 year old licensed drivers there are in Maryland? (NOTE: MVA reports that of 2,804,000 licensed drivers in Maryland, 103,000 (3.7%) are 16-17 years old.)

State's Attorney's Association DWI Study Group -- Mr. David Hugel - State's Attorneys' Coordinator.

Mr. Hugel stated that the State Toxicologist, Dr. Yale Caplan and Lt. David Yohman of the Maryland State Police expressed their concerns to the State's Attorney's Association that an increasing number of defense attorneys are questioning and attacking the chemical test procedures in DWI cases. Mr. Duckett realized a serious problem and asked Mr. Hugel to chair a committee composed of state's attorney's, representatives from the State Toxicologist's office, the Maryland State Police, and Mr. McDaniel representing Chairman Curran. The committee has had two meetings, and hopes to put a report in final form by the fall. Chairman Curran asked Mr. Hugel to report to the Task Force when report is finalized.

Chairman Curran reported that information previously requested of the State Police will be distributed to Task Force members (see attached).



Chairman Curran noted the copy of a memo distributed to the Task Force to the members of the Medical Advisory Board from Victoria D. Whitlock, Director of the Driver Control Division of the Motor Vehicle Administration. As noted in the memo, "As of July 1, 1984, the Drinking Driver Monitor Program (DDMP) will be available to the Medical Advisory Board as a alternative to the usual custom of recommending six-month or one-year follow ups after relicensure in alcohol-related cases or when evidence of treatment, A.A. attendance and sobriety is required prior to relicensure."

"A Special Report on Drinking Driver Assessment Procedures"

Chairman Curran noted that the Special Report contained three areas of recommendation: 1) MAST Validation Study, 2) Standardized Administrative Procedures, including Data Processing Program and ACA Uniform Evaluation Plan and, 3) Pilot Project for Assessment Function.

Mr. Bland reviewed with the Task Force his agency's response to the recommendations. (see attached). Mr. Bland stated that in his view a MAST validation study was unnecessary.

Senator Kelly stated that the tracking of treatment is a critical area that is not receiving adequate attention. Senator Kelly stated that he was very unhappy with ACA in general and with the ACA comments on the special report. In contrast, Delegate Rymer felt that the ACA comments were excellent. Senator Hoffman stated that the key to tracking DWI offenders is MVA and renewed her request for recidivism data from MVA. Senator Kelly asked Mr. Bland why ACA was opposing recommendation #5 dealing with the pilot project, but questioned the combination of monitoring and assessing. Chairman Curran asked how can we make certain that only a health concern is being addressed instead of also a financial concern. Mr. Bland stated that ACA has a certification program regarding private providers to address this concern.

Senator Hoffman mentioned that the drinking driver should be the Task Force priority, not alcoholism. Dr. Whitfield responded that one can't be addressed without the other. He noted that an alcoholic problem cannot be treated in 90 days. Two years is absolute minimum for treatment.

It was brought to the attention of the Task Force the letter to Mr. McDaniel from Judge Sweeney stating that "the Task Force action in substituting the Division of Parole and Probation for Motor Vehicle Administration was one giant step forward. I am persuaded, however, that this program can never be successfully administered until involvement of the Alcoholism Control Administration has been totally eliminated." (See attached letter).



Chairman Curran stated that there has not yet been picked a replacement for Mr. Hopkins as coordinator for the drinking driver programs. Mr. Duckett stated that he hoped Mr. Hopkins would have a say in his replacement.

Mr. Hopkins mentioned that he continues to be concerned about the MAST validation study, specifically about the qualifications of the administrators of this test. Senator Kelly asked Mr. Bland for a ACA detailed report on each subdivision on the procedures being used to train the assessors. In reply to Mr. Lewis' question, Mr. Bland stated that the assessors are trained addiction counselors.

Chairman Curran asked if a more detailed report on each subdivision and their weaknesses could be presented to the Task Force. Senator Kelly suggested that perhaps Dr. Whitfield and Mr. Bland and other Task Force members could work on this project. Chairman Curran agreed to establish a working group that would report back at the next meeting.

Regarding the Pilot Project for assessment function, Mr. McDaniel suggested that perhaps two counties could be tested -- one rural and one urban. Dr. Clearwater stressed that this is a large project and the Task Force must be cautious. In response to Mr. Hopkins' suggestion, the Task Force agreed to hold in abeyance the pilot project until receiving the first report next meeting concerning training and qualifications of the individuals who administer MAST.

Chairman Curran adjourned the meeting, stating that the next meeting would be in mid-September.



GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of September 17, 1984 - 3:00 Calvert Room
State House, Annapolis

Members Present: Lt. Governor J. Joseph Curran, Jr., Senator Barbara A. Hoffman, Delegate Thomas A. Rymer, State's Attorney Warren Duckett, Judge Robert S. Heise, Judge Diane G. Schulte, Dr. Harvey E. Clearwater, Mose Ottenheimer, 2nd., Carol England, Jim Lacy, Tom Sexton, Sandra Clunies.

Others Present: Daniel W. Moylan, Lt. K.E. Ellenens, Rex Smith, Bruce Meade, Bonnie Goldschmidt, Carol Hinkel, Victoria Whitlock, M. Annette Ciesko, Herbert Wimstead, William J. Devance, John Bland, Lou Karko, Muriel A. Snyder, Phyllis Baron, Peter J. Lally, Calvin H. Offer, Bill Litsinger, Terry Cooke, Marilyn Manson, Ron Lipps, Gladys L. Augustus, John Tartaglino, Wayne McDaniel, Mary Trackler.

Introduction of New Member

Chairman Curran introduced Judge Diane G. Schulte, the new representative of the District Court on the Task Force.

Approval of Minutes

The minutes of the July 23, 1984 meeting of the Task Force were approved as submitted.

Mr. McDaniel reviewed materials distributed to the Committee. They included: The Department of Insurance Information Institute report on The States Drunk Drivers Fear Most. Some 40 states have strengthened their drunk driving laws in recent years, but Illinois, Maryland, New Jersey and Pennsylvania were commended for having the most effective and comprehensive programs. The next item was "Sobriety Checkpoint Withstand Constitutional Challenge", an article which appeared in the September 5th Daily Record. In regard to a defendant's right to an opportunity to contact an attorney before taking the breath test the Committee's attention was directed to an article in the September 15th Daily Record.



The last two items distributed were a citizens guide on how to detect and report drunk drivers, and HELP SAVE LIVES - REPORT DRUNK DRIVERS bumper stickers.

Court Jurisdiction for Incarcerable Traffic Offenses by Juveniles

Chairman Curran stated that at a previous meeting he had requested Judge Moylan, Rex Smith and a representative from the State Police, to report on the measures being taken to deal with the alcohol-related traffic offenses by juveniles.

Lt. K.E. Ellenes from the Maryland State Police - Field Operations Bureau, presented figures from 1980 through 1983 on juvenile arrest statistics.

<u>Year</u>	<u>State-wide DWI Arrest Total</u>	<u>DWI Arrests Under 16</u>	<u>DWI Arrests 16-17</u>	<u>Total Juvenile DWI Arrests</u>	<u>Arrest Percentage</u>
1980	15,575	11	247	258	1.6%
1981	23,651	20	419	439	1.8%
1982	33,556	27	628	655	1.9%
1983	33,778	34	478	512	1.5%

<u>Age Group</u>	<u>Licensed Drivers This Age Group</u>	<u>Percent of State-wide Driving Population</u>	<u>No. Arrested for DWI</u>	<u>Percent Arrests License Group</u>
16-17	* 78,994	2.8%	* 512	0.6%
18-20	* 281,164	10.1%	3,705	1.3%
21 Over	* <u>2,430,564</u>	87.1%	29,561	.2%

Total Driving
Population *2,790,722

*Above information obtained from Motor Vehicle Administration public office.

*Includes 34 juveniles under age 16 arrested for DWI



Thus, juveniles are less prone to DWI arrests than the adult population. Lt. Ellenens suggested a number of possible reasons for this.

Judge Moylan explained the process by which juvenile DWI cases are handled in his Court, noting that in all but one case the drivers were assessed points and it was recorded on his driving record. In about 70% of the cases Judge Moylan found that they have been harmfully involved in alcohol, and about 1/2 of these cases had previously appeared before him.

Judge Moyland stated that if the DWI juvenile cases are taken from the Circuit Court and given to the District Court, the District Court would not be able to address the full range of problems confronting the juvenile. Judge Heise questioned whether it made sense to have virtually all juvenile traffic offenses in the District Court with the exception of DWI cases. Judge Schulte suggested that most Circuit Court judges don't treat DWI cases as seriously as does Judge Moylan.

Judge Moylan stated that it was illogical to transfer DWI cases to the District Court and leave all other criminal offenses with the Circuit Court. He felt it would make more sense to transfer all offenses to the District Court rather than piece-mealing it.

Chairman Curran stated that probation before adjudication - type findings should be limited to one per juvenile and should be reported to MVA.

Mr. Rex Smith of Juvenile Services Administration stated that the State Police figures were accurate in regard to juvenile DWI arrests. Mr. Smith agreed with Judge Moylan's plea not to piece out the child. Mr. Smith suggested two methods of improving the link with MVA while still leaving court jurisdiction unchanged and agreed to submit draft legislation in this regard.

It was brought to the members' attention that in Prince George's County very few adjudications are sent to MVA. Chairman Curran requested a report on this.

MAST Training and Qualifications to Administer

Chairman Curran and Mr. McDaniel met with Mr. Bland, Mr. Richard Lewis and Dr. Clearwater to discuss the training and qualifications of the administrators of the MAST. In reviewing the attached outline, the members felt that there are qualified personnel in the program.



In regard to Mr. McDaniel's suggestion that perhaps two counties (one rural and one urban) could be tested as a pilot project for having the assessment function performed by monitors, Judge Schulte recommended Carroll and Howard Counties. She said that all five judges in Howard and Carroll Counties would support the pilot project. Ms. Clunies felt it would be beneficial to utilize the skills of the assessors. Judge Schulte in her court, follows through on each case from bond hearing to final decision. She felt working with one group would be helpful, with which Judge Heise agreed. State's Attorney Duckett asked if Carol Hinkel would like to comment on this proposal. Ms. Hinkel stated that on-site screening is being performed well by health departments in about 11 jurisdictions and that approximately 7,000 individuals are monitored weekly in these counties. However, in some cases the problems of limited budgets and personnel have presented problems.

Chairman Curran asked the Committee to explore support of the pilot project in one urban and one rural county with judges and health department personnel. This was unanimously passed by the members.

Chairman Curran adjourned the meeting at 5:30 p.m.

GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of November 19, 1984 - 3:00 Calvert Room
State House, Annapolis

Members Present:

Lt. Governor J. Joseph Curran, Jr.,
Senator Francis X. Kelly, Senator
Barbara A. Hoffman, Judge Robert
Heise, Judge Diane Schulte, Dr. Harvey
E. Clearwater, State' Attorney Warren
Duckett, James Lacy, Thomas Sexton,
Matthew Protos, Carol England, Mose
Ottenheimer, Dennis Evans, Richard
Lewis, Charles Whitfield, Frances
Nathanson, Sandra Clunies.

Others Present:

Victoria Whitlock, Carole Shipley, Jean
Heald, Michael Fuller, Bill Litsinger,
Peter Lally, Mauriel Snyder, Ron Lipps,
Deborah Tallie, Marilyn Manson, Frank
McGloin, Gladys Augustus, Alton Respass,
Ronald Flamer, Bonnie Goldschmidt, Lou
Karko, John Bland, Paul Wells, M. Annette
Ciesko, Frank Mahlmann, Carol Hinkel,
Gary Colston, Wayne A. McDaniel, Mary
Trackler.

Approval of Minutes

The minutes of the September 17, 1984 meeting of the Task Force were approved as submitted.

Motor Vehicle Offenses by Juveniles - Task Force Recommendation

Chairman Curran stated that the Task Force has three options: to keep the process as it is now; to support the Rymer bill shifting juvenile incarcerable traffic offenders to the District Court; or a compromise approach as suggested by the Juvenile Services Administration (JSA).

The JSA bills would permit probation before adjudication and would provide that if the Juvenile Court finds that a juvenile committed the delinquent act, that finding be reported to the Motor Vehicles Administration for assessment of points against the juvenile, whether or not the juvenile is found delinquent. Dr. Clearwater asked for clarification of how test refusals are handled. State's Attorney Duckett stated that if a 17 year old was stopped and asked to take a breathalyzer test and if



the juvenile refused he would be handled as if he were an adult. Dr. Clearwater indicated support for the JSA proposal.

At this point Judge Heise referred to a letter he had sent to Chairman Curran stating that he is concerned that there is a considerable amount of DWI among juveniles. He felt that the reason cases are not referred to juvenile court, is because of the time and effort needed to record the case, notify the parents to come and pick up the juvenile, and in some cases hold the juvenile overnight. The process for juveniles is very cumbersome and complicated. Judge Heise felt that all DWI traffic offenses should be in the same court. Mr. Duckett stated he agreed with this concept. Delegate Rymer's bill provides that if incarceration is necessary the juvenile would be housed in a juvenile facility. Mr. Duckett advised the Task Force that the State's Attorneys' Association will be introducing legislation on this issue during this session.

Senator Kelly stated that legislators have been working on the problem of rehabilitation of juveniles. There are no alcohol facilities for juveniles and there seems to be a large number of juveniles with alcohol problems. Senator Kelly felt that the JSA bills would identify the specific problem of the juveniles.

Mr. Sexton inquired if there are any state/county programs available for juveniles with alcohol problems. He felt that the juvenile should have the same programs available to them that the adult with alcohol related problems has access to. At this point Chairman Curran called for a motion on the Rymer bill. The motion was made and seconded for the Task Force to support the Rymer bill. The motion passed 14-0 with Senators Kelly and Hoffman abstaining. Chairman Curran said he would present the Task Force's recommendation to support this bill to the Governor.

State's Attorney Duckett advised the Task Force that the State's Attorneys' Association will be introducing legislation on probation before adjudication for juvenile cases in general, in this session.

Education Program for Bartenders and Licensees - Matthew Protos

Mr. Protos opened his remarks by commending the Task Force on their work. He then explained that the National License Bartenders Association has developed an educational program dealing with the drinking driver. (see attached pamphlet). The Teaching of Alcoholism Management Programs has been instituted in a number of states and Mr. Protos is hoping that Maryland will become one of the state to get involved in this program. The State of Michigan is working with



the Association and has put such a program in place. With approximately 95% participation, bartenders, servers, etc., have attended a seminar to learn ways in which to handle such problems as fake IDS. The program, which may be purchased for \$6,000 includes materials such as tapes, films and staff to handle the teaching of members of the program.

State's Attorney Duckett said Anne Arundel County has had two sessions of the program and it was very well received by bartenders and owners. The Association believes that a federal grant would be needed to help with the expenses of such a program. Senator Kelly recommended that ACA might review the program, see if it would be feasible to get a grant program, and report back to the Task Force at a later meeting.

In-Court Screening Function - District Court

Mr McDaniel reviewed the position taken by the Task Force at the September 17th meeting. At that meeting the Task Force recommended that Mr. McDaniel explore having the pilot program in one urban and one rural county. Upon hearing that Howard County is being considered, the County Health Department distributed a letter, at this meeting, voicing their concerns (see attachment). The Health Department feels that if monitors take over the screening, even after some training, they would not be fully qualified to provide efficient in-court assessments. They suggested that the Task Force consult with advisory councils and the Department of Parole and Probation for their views before implementing the program.

Judge Schulte stated that it could be more efficient to have screening and monitoring combined. Further, she would like to see the in-court screening expanded beyond DWI cases. She said that approximately 65% of all criminal, traffic and other types of cases before her court are alcohol related. Mr. Clearwater noted that in order for the screening process to work it would be necessary for the monitors to receive proper training. Judge Schule said that the Howard County judges are ready to proceed with a pilot program. The Task Force recommended that the in-court screening be conducted in Howard County for a six month period, reporting back to the Task Force during that time with their progress. On a suggestion by Mr. Clearwater, Chairman Curran will set up a sub-committee to recommend guidelines to be followed.

In-Court Screening Function - Circuit Court

In response to the question of having the in-court screening in the Circuit Court, Judge Heise said he was in favor of it, but felt there would be problems. Carol Hinkel stated that there are at this time monitors available to the Circuit Court and each judge has received information on the monitoring program. As there is a small number of cases heard in the Circuit Court she would be unable to provide individual monitors on the premises.



1985 Legislative Session

Chairman Curran stated that he did not anticipate that there would be a legislative package coming from the Task Force this year. Senator Hoffman felt that the Task Force should be on record of its position on certain bills that might be before the legislature this session. At the recommendation of the Task Force, legislation anticipated to be introduced at the 1985 session will be discussed at the January meeting.

January Meeting

The Task Force felt that if possible, a replacement for Mr. Arnold Hopkins as program coordinator should be named. The names of Dave Hugel and Judge Dan Moylan were suggested as possible replacements. Chairman Curren will discuss this with the Governor.

Mr. Duckett asked if the State's Attorneys' Association DWI Study Committee report could be presented at the January meeting, and Chairman Curran agreed.

Other Items

Mr. Ottenheimer asked where the State stands at this time with Representative Barnes' bill. Also he inquired if it would be advantageous to set up another meeting with the Congressman.

Senator Kelly recommended that a letter be sent to Judge Bates thanking him for serving as a member of the Task Force.

Chairman Curran adjourned the meeting at 5:30 p.m.

GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of January 18, 1985 - 3:00 Calvert Room
Annapolis, Maryland

Members Present:

Lt. Governor J. Joseph Curran, Jr.,
Senator Francis X. Kelly, Senator
Barbara A. Hoffman, Judge Robert Heise,
Judge Diane Schulte, Dr. Harvey E.
Clearwater, State's Attorney Warren Duckett,
Thomas Sexton, Matthew Protos, Dennis Evans,
Sandra Clunies, Charles Whitfield

Others Present:

Phyllis Baron, Calvin Offer, Yvonne
Gilchrist, Ludwig Lankford, Richard Lewis,
Michael Fuller, Louis Karko, Marilyn
Manson, John Kight, Hope Jacobs, John
Bland, Michael V. O'Malley, Ed. Smith,
Carol Shipley, Victoria Whitlock, Carol
Hinkel, Janet Babcock, Ron Lipps, M.
Annette Ciesko, Sarah Adams, Lisa Blumfeld,
Shirley Johnson, Jean Heald, David Hugel,
John Moulden, Wayne A. McDaniel, Mary Trackler

Approval of Minutes

The minutes of the November 19, 1984 meeting of the Task Force were approved as submitted.

Chairman Curran advised the Task Force that Delegate Rymer's bill regarding incarcerable traffic offenses by juveniles will be introduced shortly.

Mr. McDaniel reviewed materials contained in the packet sent to the members prior to the meeting. In reference to Judge Sweeney's letter to Mr. DeVance, Mr. McDaniel noted that judges are increasingly supportive of the Drinking Driver Monitor Program. Many judges also would like to see an expansion of the Monitor Program to extend to criminal offenders with alcoholism problems who appear in the District Court.

In regard to Senator Kelly's letter to Mayor Barry proposing the formation of a Drinking Driving Task Force for the District of Columbia, a response from the Mayor's office was received advising Senator Kelly that major program initiatives would be made within the next 60 days. It was suggested by Senator Hoffman that a resolution be introduced by the Prince George's and Montgomery Counties Delegation (as bordering counties), to form a Task Force with the District of Columbia, to deal with the problem of the drinking driver.



DWI Activities- Montgomery County

Sandra Clunies introduced Mr. John Moulden, speaking on behalf of DWI Activities in Montgomery County, to present a proposed package of legislation for 1985 to the Task Force. Senator Hoffman advised that she and Senators Baker and Pica have formed a subcommittee of the Judicial Proceedings Committee to review DWI bills.

Mr. Moulden presented the Task Force with the Maryland Alcohol Highway Fatality Statistics (see attachment). His group is emphasizing the following legislation:

Illegal Per Se - would make it illegal per se to operate a motor vehicle when a person BAC is .10% or higher.

Penalties for DUI/DWI - would mandate a minimum of 48 consecutive hours of incarceration or ten days community service for multiple offenders. Mr. Moulden reported that thirty-nine states do have some form of minimum jail sentences for repeat offenders. The problem of where to put the repeat offenders was discussed. The problem of lack of space in jails would be a factor of jail sentences. Some form of community service or an inpatient program was suggested by the Task Force.

Drunk Driving Program - Self Sufficiency - This would establish a minimum of a fine of \$250 for all persons convicted of DWI or DUI. The recommendation was that the funds be collected and deposited into a special fund - half given to the state and half to the counties for use in enforcement, prevention programs. Senator Kelly felt that dedicated funding would have a hard time passing the legislature.

Administrative Per Se: Prompt Driver's License Suspension for DUI/DWI Violators - recommended that the Motor Vehicle Administration suspend a driver's license in a timely manner prior to judicial disposition. Members of the Task Force supported this concept but noted that it had been previously proposed to the legislature without success.

Certification of privately-operated alcohol education programs

Mr. O'Malley, of the Administrative Office of the Court, advised the Task Force that after a privately operated educational facility is opened, there are no set controls or guidelines by which they should operate. Further, there is no ongoing evaluation by professional educators, or follow-up visits to the facility. Chairman Curran voiced concern about the quality of treatment in some of these programs. The Alcoholism Control Administration (ACA) would support a bill introduced on certification programs. Both Senators Kelly and Hoffman would like to see an alcohol rehabilitation-education program that would include monitoring on a regular basis. Senator Kelly agreed to develop a bill on this subject, working with Mr. O'Malley and Mr. Bland.



MVA Recidivism Data

Victoria Whitlock of the Motor Vehicles Administration, reviewed for the Task Force the report on recidivism data. The Task Force had requested the Motor Vehicles Administration for information on the rate of recidivism following restricted licenses issuance. From the period of 1981-1985 there were 16,824 restricted licenses issued for alcohol-related offenses, and during that same period of time there were 995 individuals involved in subsequent alcohol-related offenses. In response to a question about eligibility for a restricted license, Ms. Whitlock stated that in most cases a letter from the person's place of employment, stating his need for a license in order to work, or travel to work, is sufficient. Both State's Attorney Duckett and Senator Kelly felt that there should not be restricted licenses issued for second offenses. Chairman Curran and the Task Force would like to see the hearing officers receive more training and preparation for hearing these cases.

1985 Legislation - State's Attorneys' Association Committee

David Hugel, State's Attorneys' Coordinator, reviewed their legislative package with the Task Force. The DWI Study committee of the State's Attorneys' Office, had been asked to review the various technical and procedural issues associated with the apprehension, testing, trial and sanctioning of DWI offenders and make appropriate recommendations for any necessary changes in State laws or procedures.

The Association supports legislation that would:

- o eliminate traffic jurisdiction of the juvenile court for 16 and 17 year old offenders, and allow the introduction into evidence of motorists' refusal to take a chemical test for intoxication;
- o require a mandatory six month suspension of the driver's license for refusing to take the chemical test with one year suspension for subsequent test refusals;
- o mandate the blood alcohol test in cases where there is serious bodily injury.

With regard to non-legislative recommendations, the adoption of standardized statewide DWI field sobriety testing procedures would give judges and juries a more uniform standard upon which to base their determination of whether or not probable cause existed for an arrest. To deal with the increasing complex legal issue being raised during the course of DWI trials, the Association urges all new prosecutors, judge and motor vehicle administration hearing officers receiving appropriate training on the legal and technical issues associated with Maryland DWI laws, either prior to or soon as possible after appointment.



The Committee also recommended that the Rule and Regulations governing various aspects of DWI testing as well as training of personnel responsible for conducting such tests, should be updated to ensure that they comply with recent court decisions and technology changes. Mr. Hugel in summarizing his report, stated that some recommendations could be done administratively while others would need to be implemented by legislative action. State's Attorney Duckett advised the Task Force that the Maryland State's Attorneys' Association endorses all these recommendations and that many will be introduced in the 1985 session. Senator Kelly and Dennis Evans expressed the view that mandatory suspension of the drivers license for refusal to take the blood alcohol test should have the highest priority.

Task Force Recommendations

Senator Hoffman advised the Task Force that the Judicial Proceedings Committee is having their Subcommittee review the package of bills introduced this session and report back to the full committee on the 24th of January. Chairman Curran asked Wayne McDaniel to meet with Senator Hoffman to review the bills prior to then. It was suggested that another meeting of the Task Force be scheduled in February for this purpose and also to discuss and take position on both the Attorney Association package and the Montgomery County bills discussed at today's meeting. Chairman Curran suggested that it might be more productive to first determine which legislation is moving in either the Senate or the House and then to focus our attention on those bills.

Ms. Heald of the Mothers Against Drunk Drivers, presented to the Task Force a copy of language on serious bodily injury. It was suggested this be referred to Delegate Kramer who has introduced legislation on this.

There being no further business the meeting adjourned at 6:15 p.m.

GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of March 20, 1985 - 3:00 P.M. Calvert Room
State House
Annapolis

Members Present:

Lt. Governor J. Joseph Curran, Jr.,
Senator Barbara A. Hoffman, Judge Robert
Heise, Dr. Harvey E. Clearwater, State's
Attorney Warren Duckett, Charles Whitfield,
Thomas Sexton, James Lacy, Dennis Evans,
Richard Lewis, Sandra Clunies, Frances
Nathanson

Others Present:

Victoria Whitlock, Carole Shipley, James
Curran, Sr., Jean Heald, Ron Lipps, M.
Annette Ciesko, Bruce Meade, Bonnie
Goldschmidt, Phyllis Baron, Bruce
Orestein, S. F. Saxton, John Bland,
George S. Tyler, Jr., Michael O'Malley,
Sandra Cross, William DeVance, LeRoy Jones,
Gary Colston, Frank Mahlmann, Perry
Gaidvrgis, M.C. Fuller, Wayne A. McDaniel,
Mary Trackler

Approval of Minutes

The minutes of the January 18, 1985 meeting of the Task Force
were approved as submitted.

Committee Business

Chairman Curran reported that Montgomery and Prince George's
Counties have contacted Mayor Barry regarding the formation of a
Drinking Driver Task Force. There has not been a response from
the Mayor's office as of this date.

Mr. Duckett and Mrs. Nathanson stated that more attention must be
given to the DWI legislation before the General Assembly, even if
the Task Force is not sponsoring a legislative package. Judge Heise
questioned the effectiveness of going back to the legislature year
after year.

Dr. Charles Whitfield presented to the Task Force a draft paper
concerning barriers to prevention and treatment of drunk drivers.
Dr. Whitfield advised that there is no clear and effective programs
for the prevention and treatment of the drinking driver. He would
like to see a Subcommittee of the Task Force formed that would deal

with finding some solution to the problems. The Subcommittee should include, judges, attorneys, arresting officers, evaluation and treatment personnel, staff from MVA, probation officers and representatives from MADD and family members. As to the members from the Task Force to work on the Subcommittee, Chairman Curran suggested Warren Duckett and Jim Lacy. Mr. Sexton advised the Task Force that there is a report on the studies of problems from arrest through treatment that several counties have prepared, and he will give Mr. McDaniel a contact for the counties involved.

Chairman Curran introduced Mr. William DeVance, Director of Parole and Probation, who will be replacing Mr. Arnold Hopkins as program coordinator.

Victoria Whitlock of the Motor Vehicle Administration summarized a report on recidivism by individuals who have received restricted licenses (attached).

On behalf of Mr. Protos, Mr. John Bland reported on a Techniques of Alcohol Management (TAM) meeting scheduled for April 22 at Montgomery County Junior College. Mr. Bland stated that there will be approximately 250 people taking part in the program.

Prince George's County DWI Treatment/Confinement Facility - Bruce Orenstein

Mr. Orenstein reviewed with the Task Force the overview distributed before the meeting on the Prince George's County Department of Correction's DWI Facility. The facility, located in Upper Marlboro is due to open on May 1, at a cost of \$1.2 million with a grant from the State of \$500,000. In response to a question from Chairman Curran, Mr. Orenstein noted that this project has received full support and cooperation from the judiciary. It will have 60 beds, with a week to two week stay ranging in price from \$237.00 to \$400.00. The program will be monitored by the Department of Correction and health department personnel. The facility will be staffed around the clock with a work release program for those employed and an assigned projects work program for the unemployed. No participants will be allowed to work evenings or weekends during treatment. Mr. Orenstein noted that according to DWI statistics in Prince George's County, 342 individuals would have been eligible for confinement in a DWI facility last year. Judge Heise stated this was the best idea he has heard in some time.

1985 DWI Legislation - Wayne McDaniel

The status of selected DWI-related bills was reviewed by the Task Force (see attached memorandum).

The Task Force unanimously voted to have Chairman Curran write to the House Judiciary Committee expressing support for Senate Bill 692, which would provide for probation before judgment and more certain notification to MVA for DWI cases in the Juvenile Court.



Page Three

Other Business

Chairman Curran commented on the problems that Alcoholics Anonymous has expressed regarding the number of DWI offenders attending AA meetings. Often, facilities are not large enough to house the expanded group. In some cases the DWI offenders appear only in order to have their slip signed that they have attended the meeting. In Anne Arundel County there is a definite need for a large facility to handle the DWI offenders. Chairman Curran said he would discuss the problems raised at this meeting with the Governor and proper staff.

Chairman Curran reported on a meeting of SADD which he attended in Montgomery County. He noted that the organization is becoming very active in the community.

At the next meeting of the Task Force, Chairman Curran, said there will be an update of all the DWI related legislation, and Dr. Whitfield will report on his Subcommittee recommendations.

The meeting adjourned at 4:45 p.m.



GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes - Meeting of June 6, 1985 - 3:15 P.M.

Calvert Room
State House
Annapolis

Members Present:

Lt. Governor J. Joseph Curran, Jr.
Senator Barbara A. Hoffman, Senator
Francis X. Kelly, Judge Robert Heise,
Judge Diane Schulte, Dr. Harvey E.
Clearwater, Thomas Sexton, Frances
Nathanson, Sandra Clunies, Mose Ottenheimer,
Matthew Protos

Others Present:

Bruce Meade, Jack Hunter, Diane Frease,
Carol Hinkel, Victoria Whitlock, Gordy
Miller, Louis Karko, LeRoy Jones,
William DeVance, Bonnie Goldschmidt,
John Bland, Gladys Augustus, Janet Babcock,
Wayne A. McDaniel, Mary Trackler

Approval of Minutes

The minutes of the March 20, 1985 meeting of the Task Force were approved as submitted.

Committee Business

Motor Vehicle Administration (MVA) Administrative Procedures draft was distributed to the Task Force for their review and input. This will appear in the Maryland Register in July and any comments to the draft should be forwarded to Wayne McDaniel or MVA official Edward Smith, Acting Hearing Officer.

With reference to .16 Dispositions for Refusal to Submit to a Chemical Test (see attachment), the problem of restricted licenses was discussed. Ms. Victoria Whitlock advised the Task Force on how individual cases are handled at MVA. To get a restricted license a letter from the employer stating that DWI offender is in need of a driver's license to work, is sent to the MVA hearing officer and shall be reviewed in determining the case. The disposition for refusal to submit to a chemical test is explained in the attached. It was noted that if a person refused to submit to a chemical test and had not had any DWI on his record for five years at the end of that time the refusal would be expunged from driver's record. Many members felt that some offenders should not receive restricted licenses.

1985 Legislative Session

Mr. McDaniel reviewed four DWI-related bills passed during the 1985 Legislative Session. HB 1150 authorized the MVA to conduct driver improvement and education programs and collect fees to cover the cost



of the programs. SB 826 shifts approval authority for private alcohol education and treatment programs from the Administrative Office of the Court to the Department of Health and Mental Hygiene. SB 70 prohibits consumption of alcohol while driving with a maximum fine of \$500.00. HB 245 requires minimum sentence of 48 hours incarceration or 10 days community services for a second (Sec. 21-902(a)) offense within three years. There have now been 31 bills passed in the last five years on this subject.

AA Meetings

Chairman Curran advised the Task Force of a meeting which will be held on June 10, 1985 with the AA Intergroup Committee in Baltimore dealing with the problems some AA meetings are having with court referrals.

Mr. DeVance reported that 70 percent of DWI offenders are attending AA meetings as part of their program, and the AA facilities are not equipped for this number. Contacts have been made in Baltimore County, Baltimore City, and Anne Arundel County for use of armories for speaker's meetings in selected areas of the above counties and Baltimore City. Mr. DeVance said the overcrowding of 200-300 DWI offenders attending the AA meetings cause a burden on the AA organization. Safety, strained resources, and exceeding the capacity of room requirements are but a few of the concerns expressed by the organization. One of the major problems is the signing of the attendance slip for the DWI offender attending meetings. Mr. DeVance said a provision of a stamp machine with a person on duty to monitor the machine might be one solution for the speaker's meetings.

Both Judge Heise and Senator Hoffman expressed concern that in some cases the DWI offender might have a more serious problem, and are we being selective enough on who are being sent to AA meetings, and are the ones being sent benefiting from it.

Ms. Sandra Clunies expressed concern that the AA organization would become State sponsored, if the State became too involved in the procedures of the meetings. She stated that in Montgomery County the AA meetings are not experiencing the difficulties described for the Baltimore area.

It was the consensus of the Task Force that the AA organization does need more space in order to accommodate the DWI offenders. Senator Kelly is hoping that the June 10th meeting with the Intergroup will help resolve some of these problems. Chairman Curran said it might be necessary to rethink the entire concept of DWI offenders attending AA meetings.

Future Direction of the Task Force - Chairman Curran

At this point in the meeting, Chairman Curran asked the members of the Task Force to discuss their ideas of what direction the Task Force should take in the coming months.

Senator Kelly - the laws that have been passed with the help of the Task Force need to be monitored. The Task Force should continue to



be a vehicle to help agencies to deal with the coordination of state and local treatment facilities, monitoring programs and improvement for educational programs.

Matt Protos - brought the Task Force up to date on the TAMS programs. He felt that more participation from local legislators is necessary. The response from the bartenders and waitresses to the meetings and workshops have been very encouraging.

Mose Ottenheimer - would like to continue to keep tabs on the monitoring system and continue to work with AA organizations for treatment of DWI offenders.

Sandra Clunies - felt that the Task Force has accomplished much during its time in existence. The response to the MADD and SADD organizations in Montgomery County has been overwhelming.

Tom Sexton - would like to try to continue to decrease the DWI-related fatality statistics and help groups to resolve and work on the problems of restricted licenses.

Fran Nathanson - if the Task Force were not in existence the State would have a higher number of DWIs.

Judge Heise - met with judges to find out what they need to address the problems. Seek legislative backing on matters of interest to the Task Force.

Senator Hoffman - focus on peripheral legislation. Conduct public awareness campaign. Become more aware of MVA needs, and what things are needed to be done to make it harder for those who drink and drive.

Dr. Clearwater - need to ask all groups what their needs are, get some feedback on what has happened because of what has been accomplished with the help of the Task Force. Continued support from the private sector - MADD and SADD. Mandatory pre-trial assessment should be sought.

Chairman Curran - need to resolve the problem of the attendance of court referrals at AA meetings. Continue to develop agenda items, what problems need to be addressed, working with MVA.

Senator Kelly and Mr. Protos discussed with the Task Force the problem of dram shop liability. Senator Kelly is opposed to it. The high risk insurance that the licensee would have to carry would be very expensive, and many insurance companies would not be able to issue it. Liability could extend beyond the bar being responsible and could include a home where alcohol was served.

There being no further business the meeting adjourned at 4:45 p.m.

GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes -- Meeting of October 2, 1985 - 3:00 - 5:00 P.M.

Calvert Room
State House
Annapolis

Members Present:

Lt. Governor J. Joseph Curran, Jr. Judge
Diane Schulte, Judge Robert Heise, Delegate
Thomas Rymer, Dr. Harvey Clearwater, Thomas
Sexton, James Lacy, Sandra Clunies, Mose
Ottenheimer, Matthew Protos, Joseph Daiger,
Jack Hunter.

Others Present:

Marshall Rickert, Victoria Whitlock, Carol
Hinkel, Bonnie Goldschmidt, John Bland, Wayne
McDaniel, Mary Trackler

Approval of Minutes

The minutes of the June 6, 1985 meeting of the Task Force were
approved as submitted.

Committee Business

Chairman Curran introduced and welcomed Mr. Jack Hunter as a
member of the Task Force. Mr. Hunter in his remarks stated he
has been active in Alcoholics Anonymous in the Baltimore area.

Chairman Curran also introduced Marshall Rickert, new Administra-
tor of the Motor Vehicle Administration. Mr. Rickert in his remarks
to the Task Force brought them up to date on the proposed hearing
officers guidelines. Mr. Rickert advised the Task Force that copies
of a modified draft will become available in about two weeks and
he will send a copy to Mr. McDaniel for review and distribution.
Delegate Rymer noted that these will be the first such guidelines
established for motor vehicle cases.

9/20/71 10:10 AM
10/1/71 10:10 AM
10/1/71 10:10 AM
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AA Meeting Facilities - William DeVance

Chairman Curran reported on several meetings he has attended on the problem of overcrowding at AA meetings.

Carol Hinkel, speaking on behalf of William DeVance, brought the Task Force up to date on this problem.

Baltimore County - Mr Bland reported he is working on setting up meeting facilities in the Dundalk area.

Anne Arundel County. Dr. Florestano, President of the Anne Arundel County Community College, has made the cafeteria at the college available for speaker's meetings beginning October 24th. Glen Burnie High School will also make their cafeteria available for future meetings. Ms. Hinkel is in the process of working out details for the use of Chesapeake and South River High schools for weekly meetings.

On the use of armories, Ms. Hinkel advised the Task Force that in July she met with Col. Nau of the Maryland National Guard regarding the use of armories for meetings. At that time Col. Nau advised her that due to the heavy scheduled use of the armories they can't be made available for AA meetings.

In response to the complaints from AA organizations regarding the signing of slips, Ms. Hinkel felt progress is being made in this area. Rubber stamps and in some cases machines are being used to help with the signing of DWIs at meetings.

In relation to this, Sandra Clunies reported that in the Rockville area DWI offenders are introduced at the meetings, explained the traditions and intake process and how they are to behave at the meetings. There has been cooperation between AA organizations and DWI in the Montgomery County area.

Mr. Hunter stated that current efforts to address the AA problems are not good enough.

Alcohol-Related Issues Concerning Juveniles - Senator Kelly

Senator Kelly was not able to attend the meeting and asked that Wayne McDaniel respond to this issue.

The Governor's has established a Task Force on Alcohol Abuse by Youth and Young Adults, of which Mr. Protos is a member. The Task Force will be reporting in July, 1986 to the Governor on their findings. They hope to deal with abuse by young people in schools and need for treatment centers. Members discussed the private facilities that are located around the state, and the hope to have more locations set up by 1986.

"Happy Hour Restrictions" - Lt. Governor Curran

There have been a number of inquiries regarding the position of the Task Force on this issue. The main concern regarding "happy hour" is the encouraging of a large amount of alcohol to be consumed in a short period of time. Mr. Protos stated that the licensed dealers association agrees with this concern and recommends that its members use free snacks rather than 2-for-1 drinks as a "happy hour" promotion.

Statistics are not currently available as to being stopped for DWI after attending a "happy hour". The Task Force felt that there probably will be legislation introduced this year on this, but at this time the consensus of the Task Force was not to take a position, in part because it is somewhat out of their jurisdiction.

Other Business

The Task Force discussed the recent case of consultation with a lawyer before taking a breatherlizer test. If consultation with a lawyer does not interfere with the time frame of the test, members felt such consultation should not be prohibited.

Chairman Curran said that the next meeting of the Task Force would be addressed by Judge Schulte. She is in the process of preparing a presentation and will send it to Mr. Rickert and MVA before the scheduled meeting.

It was noted that the Task Force in Montgomery County would also like to address the Task Force with their legislative package.

There being no further business the meeting adjourned at 4:45 p.m.

GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes -- Meeting of October 2, 1985 - 3:00 - 5:00 P.M.

Calvert Room
State House
Annapolis

Members Present: Lt. Governor J. Joseph Curran, Jr. Judge Diane Schulte, Judge Robert Heise, Delegate Thomas Rymer, Dr. Harvey Clearwater, Thomas Sexton, James Lacy, Sandra Clunies, Mose Ottenheimer, Matthew Protos, Joseph Daiger, Jack Hunter.

Others Present: Marshall Rickert, Victoria Whitlock, Carol Hinkel, Bonnie Goldschmidt, John Bland, Wayne McDaniel, Mary Trackler

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TO: Governor's Task Force on the
Drinking Driver

FROM: Wayne McDaniel *WMD*

SUBJECT: Task Force Meeting

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MD 13
Lt. Governor Curran has scheduled a meeting of the Task Force
on the Drinking Driver:

DATE: December 5, 1985
TIME: 3-5 p.m.
PLACE: Calvert Room, First Floor
State House

A G E N D A

- 78. 2/2/12-5-85*
1. Approval of Minutes of October 2, 1985
 2. Legislative/Administrative Reforms -- Judge Diane G. Schulte*
 3. Monitoring Program --
 - speakers' meetings
 - current caseload
 4. Report of Montgomery County Task Force -- Carolyn Brown
 5. Report of Anne Arundel County Task Force -- Warren Wood
 6. Adjournment

*Information packet to be mailed separately

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GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

Minutes -- Meeting of December 5, 1985 - 3:00 - 5:00

Calvert Room
State House
Annapolis, Maryland

Members Present:

Lt. Governor J. Joseph Curran, Jr.,
Judge Diane Schulte, Judge Robert Heise,
Senator Barbara Hoffman Warren Duckett,
Dr. Harvey Clearwater, James Lacy, Mose
Ottenheimer, Matthew Protos, Joseph Daiger,
Sandra Clunies, Frances Nathanson, Dennis
Evans, Jack Hunter, Charles Whitfield.

Others Present:

Edward Smith, Edward Hargadon, Victoria
Whitlock, Mike Holmes, Marilyn Manson,
Louis Karko, Bonnie Goldschmidt, Bruce
Meade, Gordy Miller, Paul Ryan, Ron Lipps,
Tim Wheeler, John Bland, 1st. Lt. Raymond
Cotton, Deborah Tallie, Michelle Anne
Hansen, Wayne McDaniel, Mary Trackler

Approval of Minutes

The minutes of the October 2, 1985 meeting of the Task Force were approved as submitted.

Committee Business

Chairman Curran advised the Task Force that they will be receiving an invitation from Governor and Mrs Hughes to attend, the Governor's Salute to Marylanders Against Alcohol and Drug Abuse on December 17th.

Wayne McDaniel advised the Task Force that if there are any questions or concerns regarding the hearing officer guidelines previously mailed they can be addressed to Mr. Ned Kodeck of the Motor Vehicle Administration.



Legislative/Administrative Reforms -- Judge Diane G. Schulte

Judge Schulte advised the Task Force that she had reviewed each of her five proposals with the Motor Vehicle Administration. The materials were also sent to the Maryland State Police, Division of Parole and Probation, and Circuit and District Court judges. In her cover letter to the Task Force, Judge Schulte explained her concerns and the need for the proposed legislation.

2A-Restricted Licenses - Alcohol Restriction

This bill would address the matter of putting an alcohol restriction on the license. In many cases the courts have order that defendants may not drive with any alcohol in their body as a condition of probation. MVA does impose this restriction at the court's request but there have been problems with it. The license does not say "court ordered" and the terms and conditions of the court-ordered restriction are subject to rules set forth by MVA.

2B- Driving in Violation of an Alcohol Restriction

This bill would provide a penalty for driving or attempting to drive a vehicle in violation of an alcohol restriction. 1st. Lt. Cotton, on behalf of the Maryland State Police, stated that there will be problems identifying "alcohol on breath". The Task Froce asked that MVA provide a list of how many license restrictions are imposed, to be made available at the next meeting.

3- Probation Prior to Judgment

This bill would prohibit a court from issuing a probation before judgment for second or subsequent violations, regardless of how long the second or subsequent violation occurred after the previous violation.

4- Vehicle Laws - Driving Records - Probation Prior to Judgment

This bill would allow MVA to keep records showing convictions probations prior to judgment for major traffic offenses. However, this record may not be received or considered by the courts until a plea is made by the defendant or a finding of guilty is made by the courts.

5-Vehicle Laws - Expungement of Driving Records

Victoria Whitlock of MVA explained the system used for expungement of records. This bill would have the driving record expunged after 5 years if a licensee has not been convicted of a moving violation or criminal offense involving a motor vehicle for the proceeding five years. After a discussion of the proposed legislation by the Task Force, Judge Schulte indicated that she will re-work this bill for the January meeting.

The Task Force recommended that the package submitted by Judge Schulte be reviewed by the members, and that a meeting be scheduled for early January to take positions on the proposed legislation. The Task Force thanked Judge Schulte for "work well done" in preparing this package.

Monitoring Program - Carol Hinkel

Carol Hinkel presented a update of the monitoring program (see attachment). She reported that there has been continuous progress with counties making facilities available for meetings. There are now approximately 15,000 people attending meetings on a weekly basis, and there is still a problem with number of monitors available to handle the caseload.

Report of Montgomery County Task Force - Carolyn Brown and John Moulden

Ms. Brown and Mr. Moulden presented to the Task Force proposed legislation for the 1986 session. They stated that their two priorities were a .13 illegal per se bill and authority for MVA to administratively suspend the license of drivers at .13 or above. It was noted that previously the Task Force recommended these bills but they did not get out of committee the either the House or the Senate. Acting Chairman Heise asked that a decision on the Montgomery County Task Force package be deferred until the January meeting, when all legislation will be reviewed by the Task Force.

Report on Anne Arundel County Task Force - Warren Wood

Mr. Wood distributed to the members an overview of their recommendations for the 1986 Session. Acting Chairman Heise said that decisions on this package also would be held for the January meeting. Jean Heald presented 600 petitions supporting the sobriety check point program that have been written to the Governor.

Other Business

At the recommendation of the Task Force, Wayne McDaniel will review prefiled bills for the January meeting.

There being no further business the meeting adjourned at 5:45 p.m.

